

REMARKS

Claims 1-24 are pending in the present application. No claims have been amended. Claims 1, 7, and 13 are independent. Reconsideration of this application is respectfully requested.

Allowable Subject Matter

The Examiner states that claims 2-6, 8-12, 14-19, 21, and 23 contain allowable subject matter. However, as argued below, the Applicants respectfully submit that each of independent claims 1, 7, and 13 is allowable over the newly cited reference (Sagara et al.). Thus, the Applicants believe that all pending claims (without further change) of the present application are in condition for allowance.

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 7, 13, 20, 22, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sagara et al. (U.S. 6,546,722). These rejections are respectfully traversed.

The present invention is directed to a motorcycle and an exhaust system for a motorcycle. Each of independent claims 1, 7, and 13 is directed to the motorcycle and recites a combination of elements including “said exhaust control valve is disposed forwardly and upwardly of the axle of said rear wheel”.

Support for the novel features set forth above can be seen, for example, in FIG. 1, which clearly shows exhaust control valve 156 disposed forwardly and upwardly of the axle 68 of said rear wheel WR.

With the above constructions according to the present invention, the exhaust control valve is disposed at a position where it is not likely to be influenced by the rear wheel and it is spaced far away from a supporting surface of the rear wheel. Therefore, the exhaust control valve can be disposed in a good environment, where an influence from the rear wheel and the supporting surface is less likely to have an effect on the operation of the exhaust control valve.

By contrast, Sagara et al. merely disclose a valve 64 disposed in silencer 42, in a position upward and to the rear (not forwardly) of the axle of the rear wheel.

At least for the reason stated above, the Applicants respectfully submit that the reference (Sagara et al.) relied on by the Examiner fails to teach or suggest the present invention as recited in independent claims 1, 7, and 13.

With regard to dependent claims 2-6, 8-12, and 14-18, the Applicants respectfully submit that these claims are allowable due to their respective dependence upon independent claims 1, 7, and 13 as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-24 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §102(e) respectfully requested.

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CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

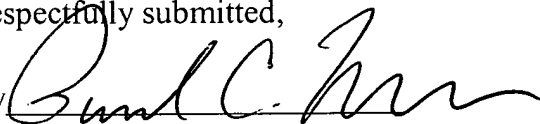
All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 205-8000 in the Washington, D.C. area.

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Respectfully submitted,

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